FARAD CONTINUATION SHEET NO.
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NOS.1845 OF 2005
WITH CRI. W.P. NO.1846 OF 2005

| Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders. | Court's or Judge's orders. |
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Mr.J.S. Kini for the Petitioner.
Mr.A.S.Shitole, APP. for the State.

**CORAM : R.S. MOHITE,J.**
**DATED : 27/2/2006.**

**P.C.**

1. By this writ petition composite prayer is made for quashing of criminal case No.2/SS/2004 and 3/SS/2004 pending in the court of Metropolitan Magistrate, 31st Court, Vikhroli. On perusal of the complaint, it is seen that the allegation therein is that the address of the manufacturer and other declarations as required under Section-39 of the Standards of Weights and Measures Act were not found on the bags. On perusal of the panchanama it appears that the name of the manufacturer is not shown. In this

view of the matter, prima facie offence is made out. In the other criminal complaint, allegation is that the full address of the packer and other declarations of the packer are not mentioned when the packets were seized. It was sought to be argued that almost complete address was given and only the word Mumbai was not stated. I am not inclined to entertain this petition as there is allegation of declarations not being given. Hence, petition is dismissed. It is made clear that the observations made in this order should be used while deciding the complaint.

CRI. W.P. NO.1846 OF 2005

1. This petition has been filed for quashing proceeding bearing Cri. Case No.1/SS/2004 pending in the court of Metropolitan Magistrate 31st Court at Vikhroli. On perusal of the complaint, it is seen that the complaint has been lodged because declaration on the packages of the edible oil being not as

per the standards of Weights and Measures Rules. On perusal of the affidavit in reply the allegation is that there is violation of Rule 13(7) which states that the quantity will be given in Kilogram by the sample kg. The said rule categorically states that that symbols shall not be given in capital form except for the unit derived from a proper name. In the present case capital symbols have been used by giving weight. In this view of the matter, not a fit case for quashing. Hence, petition is dismissed.

**(R. S. MOHITE, J.)**